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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

WINDSOR SECURITIES, LLC,

Plaintiff,

-against-

ARENT FOX, LLP and JULIUS  
ROUSSEAU, III,

Defendants.

Case No. 16-cv-01533 (GBD) (GWG)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF MOTION**

TO: Alan L. Frank, Esquire  
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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Adam G. Pence, and all the exhibits thereto, the September 26, 2017 Request for Pre-Motion Conference Letter of Peter N. Wang (Dkt. No. 81), and all prior pleadings and proceedings had herein, Defendants Arent Fox LLP (“Arent Fox”) and Julius Rousseau, III (“Rousseau,” and, collectively, with Arent Fox, “Defendants”), by and through their attorneys, Foley & Lardner LLP, move this Court, before the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, pursuant to Rules 26,

34, and 37 of the Federal Rules of Civil Procedure, for an Order (1) directing that Plaintiff Windsor Securities, LLC (“Windsor”)’s production of certain purportedly privileged documents be deemed not “inadvertent,” and that whatever “privilege” might apply has been waived; and (2) directing Windsor to reimburse Defendants for the substantial costs caused directly by Windsor’s numerous discovery defaults.

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule set by the parties, as required under Magistrate Judge Gorenstein’s Individual Rule 2.B, answering papers, if any, shall be served and filed on or before October 17, 2017, and reply papers, if any, shall be served and filed on or before October 24, 2017.

Dated: New York, New York  
October 6, 2017

Respectfully submitted,

FOLEY & LARDNER LLP

By: /s/ Peter N. Wang  
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